

EXHIBIT C

CIVIL COURT OF CITY OF NEW YORK
COUNTY OF NEW YORK HOUSING PART
FIFTH AND 106TH ST. ASSOCIATES, L.P.

against *Petitioner (Landlord),*
MARK HAYNES *Respondent (Tenant)*

Address:

4 EAST 107TH STREET
APT. 104-15B A/K/A 15B
NEW YORK, NY 10029

Index No. L/T

IMPORTANT TO TENANT

If you are dependent upon a person in the military service of the United States or the State of New York, advise the Clerk immediately, in order to protect your rights.

**NOTICE OF NON-PAYMENT
PETITION DWELLING**

Petitioner's Business Address:
4 EAST 107TH STREET
NEW YORK, NY 10029

Your landlord is suing you for nonpayment of rent.

1. Your landlord has started an eviction nonpayment case against you for rent the landlord claims you owe. The landlord's reasons are given in the attached Petition.
2. Your landlord is asking this Court for:
 - a money judgment for \$98,553.00, and
 - permission to evict you from your home if you do not pay the money judgment.
3. You have a right to a trial. But first you must answer the Petition by going to the landlord-tenant Clerk's office at:

111 Centre Street, New York, NY 10013.

You must do this within 10 days after the date these papers were given to you or a person who lives or works in your home, or were posted at your home at:

All Rooms, APT. 104-15B A/K/A 15B located at 4 East 107th Street, New York, NY 10029, County of New York, City and State of New York.

Warning! If you don't answer the Petition within 10 days, a judgment may be entered against you. If that happens, the landlord will have the right to evict you.

4. Your Answer should say the legal reasons that you don't owe all or part of the rent. The legal reasons are called defenses. You can also say any claims you have against the landlord. You will have to prove your defenses and claims in court. To answer the Petition, you must either:

- Go to the landlord-tenant Clerk's office and tell the Clerk your Answer, or
- Give the landlord-tenant Clerk your Answer in writing (Form No. Civ-LT-91a).

Information to help you answer the Petition (Form No. Civ-LT-92) is available at the landlord-tenant's Clerk's Office or online at nycourts.gov/housingnyc.

Important! If you don't tell the Clerk about a defense in your Answer you might not be able to talk about it later in this case or any other case.

5. When you answer the Petition, you will get a date to come back to Court 3 to 8 days later. You have a right to postpone that date for 14 days but you have to come to the courthouse to ask for a postponement. If you pay all the rent due before your court date, the case will be dismissed.

6. If your name is not in this Notice, but you live in the home listed above, you have a right to come to Court and answer the Petition.

LJHC01-04 -104-15B

FILE NO: 39165

7. Available Resources:

- **Legal Help:** Under New York City law, you may be able to get a free lawyer to represent you in this case. Call 718-557-1379 or go to nycourts.gov/nyc-free-lawyer for information about getting free legal help. If you have money to hire a lawyer, you can contact the New York City Bar Legal Referral Service at 212-626-7373.
- **Language Help:** If you don't speak English well or are deaf or hard of hearing, you have a right to a free interpreter. Tell the Court Clerk you need an interpreter or call 646-386-5670. To read a translation of this Notice in another language visit: nycourts.gov/housingnyc. For information on evictions:

646 386-5750: Informations concernant les expulsions • বেদখলের তথ্য • 迫迁相关信息

迫遷相關資訊 • Информация о выселении • معلومات بشأن حالات الطرد

بے دخلیوں کی معلومات • Enfòmasyon Konsènan Degèplisman • Información sobre desalojos

- **ADA Help:** If you need special accommodations to use the court because of a disability, call 646 386-5300 or 711 (TTY) or tell a Court Clerk.
- **Financial Help:** If you owe the rent and don't have the money, contact HRA's Infoline at (718) 557-1399 for more information about getting help to pay the rent.
- **Help at the Courthouse:** There is a Help Center in the courthouse where you can speak to a Court Attorney or a Volunteer Lawyer.
- **Online Help:** Visit the Housing Court's website at: nycourts.gov/housingnyc (also available in Spanish and Chinese) or visit LawHelpNY at lawhelpny.org.

Postponements and Rent Deposits. In court, you can ask to postpone your case. You have a right to postpone the case for at least 14 days. If your case is not finished in 60 days or you ask to postpone the case again, the court can order you to deposit money in court or make a rent payment to the landlord. If you don't do this, your case may go to trial right away. RPAPL Sec. 745.

After Judgment. If the court orders a judgment against you after a trial, the court may give you time to pay the judgment and not be evicted. After that time is up, you will get a Notice of Eviction from a Marshal giving you at least 14 days to pay all the rent due or move. If you don't pay or move, you will be evicted by the Marshal. RPAPL Sec. 749(2).

City of New York, County of New York

Dated: November 7, 2022

Clerk of the Civil Court of the City of New York: ALIA RAZZAQ

Clerk of the Civil Court

Attorney for Petitioner:

ROSE & ROSE

Attorneys at Law

291 BROADWAY, 13th Floor

NEW YORK, NY 10007

Address:

Telephone No.

(212) 349-3366

Email

general@roseandroselaw.com

CIVIL COURT OF CITY OF NEW YORK
COUNTY OF NEW YORK HOUSING PART
FIFTH AND 106TH ST. ASSOCIATES, L.P.

Index No. L/T

against
MARK HAYNES

Petitioner (Landlord),

Respondent (Tenant)

NON-PAYMENT

PETITION DWELLING

Address:

4 EAST 107TH STREET
APT. 104-15B A/K/A 15B
NEW YORK, NY 10029

THE PETITION OF FIFTH AND 106TH ST. ASSOCIATES, L.P., the Owner/Landlord alleges, upon information and belief:

1. Petitioner(s) is(are) the landlord(s) and owner of the premises.
2. Respondent(s) MARK HAYNES, is(are) tenant(s) in possession of said premises pursuant to a(n) WRITTEN lease agreement wherein respondents promised to pay to landlord or landlord(s) predecessor as rent \$3,911.00 each month in advance on the 1ST day of each month.
3. Respondent(s) are now in possession of said premises.
4. The premises are the residence of the tenant(s) and the undertenant(s) herein.
5. The premises for which removal is sought was rented for Dwelling purposes and are described as follows: All Rooms, APT. 104-15B A/K/A 15B in the building known as 4 East 107th Street New York, NY 10029, situated within the territorial jurisdiction of this Court.

6. Pursuant to said agreement there was due from respondent tenant(s), the sum of \$98,553.00 in rent and additional rent as follows:

Nov 22 \$3,911.00	Sep 20 \$3,781.00
Oct 22 \$3,911.00	Aug 20 \$3,781.00
Sep 22 \$3,911.00	Jul 20 \$3,781.00
Aug 22 \$3,911.00	Jun 20 \$3,781.00
Jul 22 \$3,911.00	May 20 \$3,781.00
Jun 22 \$3,911.00	Apr 20 \$3,781.00
May 22 \$3,911.00	Mar 20 \$3,781.00
Apr 22 \$3,911.00	Feb 20 \$3,781.00
Mar 22 \$3,781.00	Jan 20 \$3,781.00
Feb 22 \$3,781.00	Dec 19 \$3,781.00
Nov 20 \$3,781.00	Nov 19 \$3,781.00
Oct 20 \$3,781.00	\$10,550.00

7. THE APARTMENT IS NOT SUBJECT TO THE NYC EMERGENCY HOUSING RENT LAW OR THE RENT STABILIZATION LAW OF 1969 AS AMENDED BECAUSE SAID PREMISES ARE SUBJECT TO SECTION 8 AS REGULATED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

8. Respondent has failed to pay rent within 5 days of the date on which rent became due pursuant to the parties rental agreement. Thereafter, petitioner notified respondent by certified mail that it had not received such rent.

9. Said rent has been demanded from the tenant since same became due by a fourteen day written-notice, a copy of which, with proof of service is annexed hereto.

10. Respondent(s) have defaulted in the payment thereof and continue in possession of premises without permission after said default.

11. The premises are a multiple dwelling and pursuant to the Housing Maintenance Code Article 41 there is a currently effective registration statement on file with the Office of Code Enforcement which designates the managing agent named below, a natural person over 21 years of age, to be in control of and responsible for the maintenance and operation of the dwelling.

AGENT: RAN'AE BACON

4 EAST 107TH STREET, NEW YORK, NY 10029

Multiple Dwelling No. 139938

WHEREFORE Petitioner requests a final judgment against respondents(s) for the rent demanded therein, awarding possession of the premises to the petitioner landlord, and directing the issuance of a warrant to remove respondent(s) from possession of the premises together with the costs and disbursements of this proceeding.

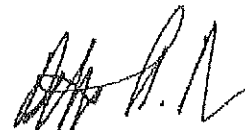
FIFTH AND 106TH ST. ASSOCIATES,, L.P.

Dated November 7, 2022

STATE OF NEW YORK, COUNTY OF NEW YORK

The Undersigned affirms under penalty of perjury that he is one of the attorneys for the petitioner, that he has read the foregoing petition and knows the contents thereof; that the same are true to his own knowledge except as to matters stated to be upon information and belief; and as to those matters he believes them to be true. The grounds of his belief as to matters not stated upon his knowledge are statements and/or records provided by the petitioner, its agents and/or employees and contained in the file in the Attorney's office. Petitioner is not in the County in which Attorney's office is located. This verification is made pursuant to the provisions of RPAPL 741.

Dated: November 7, 2022



PETER A. ROSE, Esq

ROSE & ROSE
Attorney for Petitioner-Landlord
291 BROADWAY, 13th Floor
NEW YORK, NY 10007
(212) 349-3366
general@roseandroselaw.com

NOTICE TO RESPONDENT TENANT

DURING THE CORONAVIRUS EMERGENCY,
YOU MIGHT BE ENTITLED BY LAW TO SPECIAL
DEFENSES AND PROTECTIONS RELATING TO
EVICTIONS.

PLEASE CONTACT YOUR ATTORNEY
IMMEDIATELY FOR MORE INFORMATION.

IF YOU DON'T HAVE AN ATTORNEY, PLEASE
CALL

718-557-1379

OR VISIT

www.nycourts.gov/evictions/nyc/

AVISO A INQUILINO DEMANDADO

**DURANTE LA EMERGENCIA POR CORONA
VIRUS, PUEDA QUE POR LEY USTED TENGA
DERECHO A DEFENSAS Y PROTECCIONES
ESPECIALES RELACIONADAS CON
DESALOJOS.**

**POR FAVOR COMUNIQUESE CON SU
ABOGADO INMEDIATAMENTE PARA OBTENER
MAS INFORMACIÓN.**

SI NO TIENE ABOGADO, LLAME AL

718-557-1379

O VISITE

www.nycourts.gov/evictions/nyc/

NYSCEF DOC. NO. 1

FOURTEEN (14) DAY NOTICE

RECEIVED NYSCEF: 11/07/2022

TO: MARK HAYNES

4 EAST 107TH STREET
APT. 104-15B A/K/A 15B
NEW YORK, NY 10029

Respondent-Tenant

PLEASE TAKE NOTICE that you are hereby required to pay to FIFTH AND 106TH ST. ASSOCIATES, L.P., landlord of the above described premises, the sum of \$86,820.00 for rent of the premises as follows:

AUG22 \$3,911.00	JUN20 \$3,781.00
JUL22 \$3,911.00	MAY20 \$3,781.00
JUN22 \$3,911.00	APR20 \$3,781.00
MAY22 \$3,911.00	MAR20 \$3,781.00
APR22 \$3,911.00	FEB20 \$3,781.00
MAR22 \$3,781.00	JAN20 \$3,781.00
FEB22 \$3,781.00	DEC19 \$3,781.00
NOV20 \$3,781.00	NOV19 \$3,781.00
OCT20 \$3,781.00	OCT19 \$3,781.00
SEP20 \$3,781.00	SEP19 \$3,781.00
AUG20 \$3,781.00	AUG19 \$2,988.00
JUL20 \$3,781.00	

You are required to pay within FOURTEEN (14) days from the day of service of this notice, or give up possession of the premises to the landlord. If you fail to pay or give up the premises, the landlord will commence summary proceedings against you to recover possession of the premises.

Dated August 29, 2022

FIFTH AND 106TH ST. ASSOCIATES, L.P., Landlord

NOTA DE CATORCE (14) DIAS

POR FAVOR SIRVASE TOMAR NOTA de que usted es requerido, por este medio, de pagar a FIFTH AND 106TH ST. ASSOCIATES, L.P. duena de las propiedades arriba descritas por la suma de \$86,820.00 por la renta de las propiedades

AUG22 \$3,911.00	JUN20 \$3,781.00
JUL22 \$3,911.00	MAY20 \$3,781.00
JUN22 \$3,911.00	ABR20 \$3,781.00
MAY22 \$3,911.00	MAR20 \$3,781.00
ABR22 \$3,911.00	FEB20 \$3,781.00
MAR22 \$3,781.00	ENE20 \$3,781.00
FEB22 \$3,781.00	DEC19 \$3,781.00
NOV20 \$3,781.00	NOV19 \$3,781.00
OCT20 \$3,781.00	OCT19 \$3,781.00
SEP20 \$3,781.00	SEP19 \$3,781.00
AUG20 \$3,781.00	AUG19 \$2,988.00
JUL20 \$3,781.00	

Usted es requerido de pagar dentro de los CATORCE (14) dias a continuacion de recibir esta nota, o entregar al dueno la posesion de dichas propiedades. Si usted falla en pagar o en entregar las propiedades, la duena de las propiedades se vera obligada a proceder legalmente para recuperar la posesion de dichas propiedades.

Dated/Fechado: Agosto 29, 2022

FIFTH AND 106TH ST. ASSOCIATES, L.P., Landlord

MARK HAYNES

4 East 107th Street
APT. 104-15B A/K/A 15B
New York, NY 10029

ROSE & ROSE
Attorneys at Law
291 BROADWAY, 13th FLOOR
NEW YORK, NY 10007
Phone: (212) 349-3366

To: MARK HAYNES

Date: August 29, 2022

This firm has been retained to collect a debt consisting of rent arrears totaling \$86,820.00. Any information obtained will be used for that purpose.

The below named creditor claims that you owe rent arrears as specified. You have 30 days from receipt of this notice to dispute the debt. If you fail to do so, we will assume the debt to be valid. If you timely notify us, in writing, that you do dispute the debt, we will obtain verification of the debt and mail same to you. Upon your written request made within thirty (30) days of the receipt of this notice, we will provide you with the name and address of the original creditor, if different from the current creditor.

This opportunity to dispute the debt is separate from any response that you are required to make or any action you are required to take with respect to any other legal notices you receive. Please respond to any legal notices you may receive within the time frames set forth in those notices.

Creditor: FIFTH AND 106TH ST. ASSOCIATES,
L.P.

MARK HAYNES
4 EAST 107TH STREET, APT. 104-15B A/K/A 15B
NEW YORK, NY 10029

LJHC01-04 -104-15B

AFFIDAVIT OF SERVICE

FIFTH AND 106TH ST ASSOCIATES, LP

Plaintiff

against

MARK HAYNES

Respondent's

STATE OF NEW YORK, COUNTY OF NEW YORK SS:

Jack Markowicz, being duly sworn, deposes and says: The deponent is not a party to this action and is over 18 years of age and resides in the State of New York.

That on Sept 12, 2022 at 1:58 p.m. at 4 EAST 107TH ST Apt. 15 B a/k/a 104-15B, N.Y. N.Y. 10029, I attempted to serve MARK HAYNES with copies of the with copies of the 14 Day Notice with Fair Debt Collection Notice in this proceeding I gained access to the building located the door of Apt 15 B, I repeatedly knocked on the door, and rang the doorbell, I waited approximately 2 min. when no one answered I left.

Also on Oct 11, 2022 at 9:01 P.M. at the same location described above, when I again attempted to serve MARK HAYNES with copies of the 14 Day Notice with Fair Debt Collection Notice in this proceeding, I gained access to the building and located the door of Apt 15 B, I repeatedly knocked on the door and rang the doorbell, I waited approximately 2 min., when no one answered I served MARK HAYNES by attaching a true copy of said papers to the door at Respondents usual place of abode within the state.

Deponent also within one day thereafter, on Oct 12, 2022 mailed a true copy of the 14 Day Notice with Fair Debt Collection Notice enclosed in a postpaid properly addressed wrapper by first class mail and by certified mail to each Respondent at Respondent's last known place of abode within the state at

4 EAST 107TH ST Apt. 15 B a/k/a 104-15 B, N.Y. N.Y. 10029,

I deposited these envelopes in a -U.S. Mail Box- an official depository under the exclusive care and custody of the United States Postal Service within New York State. The envelopes bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

Sworn to before me on this
17th day Oct 2022

JAINY E. SAMUEL
NOTARY PUBLIC STATE OF NEW YORK
No 02SA6368140
Qualified in Queens County
Comm. Exp. 12/11/25

JACK MARKOWICZ
License # 868800
ROSE & ROSE

FIFTH AND 106TH ST. ASSOCIATES, L.P.
c/o SHP MANAGEMENT CORP.
4 EAST 107TH STREET
NEW YORK, NY 10029

Date: 08/26/2022

By Certified Mail

MARK HAYNES
4 EAST 107TH STREET
APT. 104-15B A/K/A 15B
NEW YORK, NY 10029

RE: Rent not received by your landlord

Dear MARK HAYNES

Please take notice that your landlord, FIFTH AND 106TH ST. ASSOCIATES, L.P., has not received your rent payments within five days after the date specified for payment in your lease. Payment of \$86,820.00 representing rent through August, 2022 has not been received within five days after the date specified for payment in your lease.

Very truly yours,
RAN'AE BACON
Managing Agent

7022 1670 0001 0163 3818

U.S. Postal Service [®]	
CERTIFIED MAIL [®] RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
Total	Mark Haynes
Sent	4 East 107 th Street
Street	Apt. 104-15B a/k/a 15B
City	New York, NY 10029

Postmark Here
AUG 26 2022
NEW YORK, NY

PS Form 3800, April 2019 PSN 7530-02-000-9047 See Reverse for Instructions